

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW R. SCHLEY,

Defendant.

CASE NO. CR19-0247-JCC

ORDER

This matter comes before the Court on the Government's motion to vacate the trial date and to set a status conference (Dkt. No. 37.)

On March 17, 2020, Chief Judge Ricardo S. Martinez issued General Order 02-20 to address the impact of COVID-19 on the Western District of Washington's operations. The order continued all criminal trial dates scheduled to occur before June 1, 2020. W.D. Wash., General Order 02-20 § 2 (Mar. 17, 2020). The order further found that:

With regard to criminal matters, due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of witnesses, counsel and Court staff to be present in the courtroom, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). For the same reasons, the Court finds under 18 U.S.C. § 3060(C) extraordinary circumstances exist, and justice requires delay of all criminal preliminary hearings during the time period of the continuances

1 implemented by this order.

2 *Id.* at § 4; *see* W.D. Wash., General Order 08-20 (May 13, 2020) (continuing all criminal trial
3 scheduled to occur before August 1, 2020).

4 The Government asks the Court to vacate the June 15, 2020 trial date in this case and to
5 set a status conference, at which an appropriate trial date can be established. (Dkt. No. 37 at 5.)
6 Having considered the motion and General Order No. 08-20, the Court hereby FINDS as
7 follows:

- 8 1. For the reasons set forth in the Government's motion and General Order Nos. 02-20 and
9 8-20, the ends of justice served by granting a continuance outweigh the best interests of
10 the public and Defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A); and
11 2. Failure to grant a continuance would likely make trial impossible, result in a miscarriage
12 of justice, and deny counsel for Defendant and the Government the reasonable time
13 necessary for effective preparation, taking into account the exercise of due diligence, 18
14 U.S.C. § 3161(h)(7)(B)(i), (B)(iv).

15 For the foregoing reasons, the Court GRANTS the Government's motion to vacate the
16 trial date and to set a status conference (Dkt. No. 37). The Court VACATES the current trial date
17 of June 15, 2020, and ORDERS the parties to attend a status conference at 9:00 a.m. on August
18 11, 2020, at which the parties must propose a new trial date. The Court further ORDERS that the
19 time between the date of this order and the status conference is excludable time under the Speedy
20 Trial Act, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(ii), and 3161(h)(7)(B)(iv).

21 DATED this 10th day of June 2020.

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25 John C. Coughenour
26 UNITED STATES DISTRICT JUDGE